

REMARKS

Applicants respectfully submit this Request for Continued Examination. While Applicants disagree with the Examiner's claim rejections, in an effort to expedite prosecution, Applicants have amended independent claim 32 and canceled the remaining independent claims. Dependent claim 32 was amended to bring it in conformance with the independent claim 32. No new matter has been added. Claims 32-33, 35, 38-39, 41-43, 60-62, 69, 73, and 77-78 are pending in this application.

Rejections Under 35 USC § 103

The Office Action rejects Claims 32 - 33, 35 - 36, 38 – 54, and 56 - 81 under 35 USC § 103(a) citing U.S. Patent No. 4,888,012 to Horn in view of U.S Patent No. 6,749,634 to Hanna and in further view of U.S. Publication No. 2003/0074060 to Zadni-Azizi, U.S. Patent No. 7,097,660 to Portney, and U.S. Patent No. 6,599,317 to Weinschenk. Applicants respectfully overcome and traverse each of these rejections as follows.

Regarding Independent Claim 32

35 U.S.C. §103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said matter pertains.

To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. MPEP §2142.

Although Applicants disagree with the rejections, Applicants have amended the claims in an effort to expedite prosecution. Applicants submit that the references do not disclose or suggest the features recited by the amended independent claims, and in particular the "positioning legs which are arcuate when viewed in a cross section along a plane containing the optical axis, wherein the positioning legs are connected to each other by an annular segment; and

a plurality of haptic arms integrally formed with the plurality of positioning legs and extending from the plurality of positioning legs toward the optic, wherein the haptic arms are coupled to the optic.” *See* Independent Claim 32. Since, at least this element, is not disclosed, suggested, or rendered obvious, Applicants respectfully request the Examiner withdraw his obviousness rejection with respect to the independent claim.

Regarding The Dependent Claims

The rejected dependent claims depend from independent claim 32 and include all the limitations of claim 32. As discussed above, claim 32 is patentable over the cited references. Accordingly, the rejected dependent claims are also patentable.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance.

Applicants respectfully note that the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, the arguments made above may not be exhaustive as there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants respectfully traverse each of the Examiner’s rejections and each of the Examiner’s assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants further reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

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should not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney at the phone number below to promptly resolve such issue(s).

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
Abbott Medical Optics

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